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COMMONWEALTH OF VIRGINIA

STATE CORPORATION COMMISSION

AT RICHMOND, NOVEMBER 30, 1999

APPLICATION OF

JATO COMMUNICATIONS CORP. OF VIRGINIA

CASE NO. PUC990125

For a certificate of public
convenience and necessity
to provide local exchange
telecommunications services

FINAL ORDER

On September 3, 1999, JATO Communications Corp. of Virginia ("JATO" or "Applicant") completed an application for a certificate of public convenience and necessity ("certificate") to provide local exchange telecommunications services throughout the Commonwealth of Virginia. JATO proposes to offer high-speed digital subscriber line data services using its own facilities and unbundled network elements of incumbent local exchange carriers. Initially, JATO will not be offering traditional voice services.

By Order dated September 22, 1999, the Commission directed the Applicant to provide notice to the public of its application, directed the Commission Staff to analyze the reasonableness of the application and to file a Staff Report, and scheduled a public hearing to receive evidence relevant to JATO's application.

On November 15, 1999, the Staff Report was filed. The Staff stated that JATO's application was acceptable and in compliance with the certification requirements of 20 VAC 5-400-180, the Rules Governing the Offering of Competitive Local Exchange Telephone Service ("Local Rules"), subject to the following conditions: (1) at such time as voice services are initiated by JATO, it shall provide/comply with all requirements of § C (Conditions for certification) of the Local Rules; (2) any customer deposits collected by JATO shall be retained in an unaffiliated third-party escrow account until such time as the Staff or Commission determines it is no longer necessary; and (3) JATO shall provide audited financial statements for JATO Communications Corp., the parent company of JATO, to the Staff no later than one (1) year from the effective date of JATO's initial tariff.

A hearing was held on November 24, 1999. JATO provided proof of notice and service as directed by the Commission's September 22, 1999, Order. At the hearing, the proof of notice and service, the application with accompanying exhibits, and the Staff Report were entered into the record without objection. The Applicant agreed to the recommendations of the Staff.

NOW, having considered the application and the Staff Report, the Commission finds that such application, as well as the requested waivers, should be granted. Accordingly,

IT IS ORDERED THAT:

(1) JATO Communications Corp. of Virginia hereby is granted a certificate of public convenience and necessity, No. T-467, to provide local exchange telecommunications services subject to the restrictions set forth in the Local Rules, § 56-265.4:4 of the Code of Virginia, the provisions of this Order, and the conditions set forth in the Staff Report.

(2) JATO shall file tariffs with the Division of Communications that conform with all applicable Commission rules and regulations from which the Applicant has not been granted a waiver.

(3) Since there is nothing further to come before the Commission, this case shall be and hereby is dismissed.